

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: STANLEY JOSEPH CATERBONE, :
: Movant. : CIVIL ACTION NO. 16-mc-49
: : BANKRUPTCY NO. 16-10517

ORDER

AND NOW, this 16th day of May, 2016, after considering the motion for application for leave to appeal the order of the bankruptcy judge dated and entered on February 18, 2016 filed by the *pro se* movant, Stanley Joseph Caterbone (“Caterbone”) (Doc. No. 1), it is hereby

ORDERED as follows:

1. The motion for leave to appeal from the bankruptcy court order entered on February 18, 2016 (Doc. No. 1) is **DENIED AS MOOT**. The court will construe the motion as a notice of appeal and the case shall proceed as if Caterbone filed a notice of appeal on March 4, 2016;
2. Caterbone shall either submit the prescribed fee for filing a bankruptcy appeal or submit a completed application to proceed *in forma pauperis* by no later than **June 13, 2016**.¹ To assist Caterbone if he desires to apply to proceed *in forma pauperis*, the clerk of court is directed to send a copy of the form application to proceed *in forma pauperis*, which is also available on the court’s website, to Caterbone at his last known address. If Caterbone does not submit the prescribed fee or submit a completed *in forma pauperis* application by **June 13, 2016**, the court will dismiss this appeal without any further notice to the parties;

¹ According to the Eastern District of Pennsylvania Bankruptcy Court Miscellaneous Fee Schedule (effective December 1, 2014), the fee for filing an appeal from a judgment, order, or decree is \$293. See United States District Court for the Eastern District of Pennsylvania Fees, <http://www.paed.uscourts.gov/documents/fees/bkfees.pdf> (last visited May 13, 2016). There is also an additional statutory fee of \$5.00. *Id.*

3. Caterbone shall file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented by no later than **June 3, 2016**. If he fails to file these items with the bankruptcy clerk by **June 3, 2016**, the court will dismiss this appeal without any further notice to the parties;

4. By no later than **June 3, 2016**, Caterbone shall order in writing from the reporter, as defined in Rule 8010(a)(1) [of the Federal Rules of Bankruptcy Procedure], a transcript of such parts of the bankruptcy proceedings not already on file as he considers necessary for the appeal, and file a copy of the order with the bankruptcy clerk” or “file with the bankruptcy court a certificate stating that [he] is not ordering a transcript[;]”

5. Upon receipt of the designation of the items to be included in the record on appeal, a statement of issues, and the production of any transcripts ordered per paragraph 4 of this order, the bankruptcy court clerk shall transmit the bankruptcy court record to the district court; and

6. Upon receipt of the bankruptcy court record, the clerk of court shall set forth the briefing schedule for the parties in this case.

IT IS FURTHER ORDERED as follows:

1. Caterbone shall **SHOW CAUSE** why the court should not dismiss this action for lack of subject-matter jurisdiction;

2. Caterbone, if responding, must file a response with the court no later than **June 13, 2016**.

3. If Caterbone fails to respond to this order to show cause, the court will interpret his failure as an indication that he is unopposed to dismissal of this action.

4. The court will decide the order to show cause on **June 14, 2016**, or soon thereafter, without oral argument unless otherwise ordered by the court.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.